

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**(1) GENIE R. McGARVEY and (2) R.
KEVIN McGARVEY, Administrators
of the Estate of Murray P. McGarvey,
deceased,**

Plaintiffs,

vs.

Case No. 06-CV-576 TCK-SAJ

**(3) JOHN F. SPECIAL; (4) SPECIAL
EXPLORATION CO., INC., an
Oklahoma for Profit Corporation; and
(5) CHEROKEE YACHT CLUB, INC.,
an Oklahoma for Profit Corporation,**

Defendants.

AND

**(6) JOHN F. SPECIAL; (7) SPECIAL
EXPLORATION CO., INC.; and
(8) CHEROKEE YACHT CLUB, INC.,**

Third-Party Plaintiffs,

vs.

**(9) JASON BANDY; (10) JUSTIN
DOOLIN; and (11) BIG SHOT'S
RHYTHM AND BOOZE, L.L.C.,**

Third-Party Defendants.

PLAINTIFFS' WITNESS LIST

COME NOW the Plaintiffs, by and through their attorneys of record, Walter D. Haskins and Andrew C. Jayne, of the law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, Tulsa, Oklahoma, and for their Witness List, would state the following:

WITNESSES

	<u>NAME AND ADDRESS</u>	<u>ANTICIPATED TESTIMONY</u>
1.	Kevin McGarvey 1000 New Sea Island Rd. Apt. 4 Saint Simons Island, GA 31522-2440	Damages
2.	Genie McGarvey 1115 Lanier Blvd. Brunswick, GA 31520-7432	Damages
3.	Cormac McGarvey, Jr. 941 Champney St. Simons Island, GA 31522	Damages
4.	John Special 42 Yellow Brick Dr. Stillwater, OK 74076	All issues of liability and damages.
5.	Jason Bandy 2307 S. Columbia Tulsa, Ok 74114	All issues of liability and damages.
6.	Justin Doolin P.O. Box 1533 Mannford, OK 74044-1533	All issues of liability and damages.
7.	Tracie LaGere P.O. Box 1533 Mannford, Oklahoma 74044-1533	All issues of liability and damages.
8.	Dee Ann O'Neal 3905 High Meadow Edmond, OK 73003	All issues of liability and damages.
9.	Corporate representative from Cherokee Yacht Club c/o Phil Thompson 314 S. Fifth St. Jay, Ok 74346	Amount of alcohol served to John Special on night of accident and Mr. Special's condition on night of accident.
10.	Ken Chambers 320 Shortgrass Rd. Edmond, OK 73003	Witness to the accident.

11.	Lance Miller 2101 Fair Meadow Dr. Edmond, OK 73003	Witness to the accident.
12.	David Chernicky 1307 S. Boulder Ave. Suite 400 Tulsa, OK 74119	Communications with John Special about the accident.
13.	Office Chris Carlson GRDA 37895 S. 4475 Rd. Vinita, OK 74301	Investigation of the accident and witness statements.
14.	Patrolman Jason Littlefield GRDA 37895 S. 4475 Rd. Vinita, OK 74301	Investigation of the accident and witness statements.
15.	Lake Patrolman David Edwards GRDA 37895 S. 4475 RD. Vinita, OK 74301	Investigation of the accident and witness statements.
16.	Lake Patrolman Shawn Allred GRDA 37895 S. 4475 RD. Vinita, OK 74301	Investigation of the accident and witness statements.
17.	Chris Morse 814 W. Choctaw Lane Stillwater, OK 74075-1722	Communications with John Special and reporting of the accident.
18.	Patrolman Billy Moore GRDA 37895 S. 4475 RD Vinita, OK 74301	Investigation of the accident and witness statements.
19.	Lake Patrolman Derrick Bidleman GRDA 37895 S. 4475 RD Vinita, OK 74301	Investigation of the accident and witness statements.

20.	Lake Patrol Chief Bruce Smith GRDA 37895 S. 4475 RD Vinita, OK 74301	Investigation of the accident and witness statements.
21.	Aungela Spurlock OSBI 6600 N. Harvey Oklahoma City, OK 73116-7910	Investigation of the accident and witness statements.
22.	Butch Meibergen 3202 Redbird Lane Enid, OK 73703-1537	John Special's alcohol consumption
23.	Margaret Meibergen 3202 Redbird Lane Enid, OK 73703-1537	John Special's alcohol consumption
24.	Ty Tyler 501 NW 15 th St. Oklahoma City, OK 73103-1537	John Special's alcohol consumption
25.	Mr. Larry Bond 13221 High Sierra Blvd. Edmond, Oklahoma 73013	John Special's alcohol consumption
26.	Mrs. Robin Bond 13221 High Sierra Blvd. Edmond, Oklahoma 73013	John Special's alcohol consumption
27.	Terry Frost 33152 Browning Lane Afton, Ok 74331	John Special's alcohol consumption prior to accident
28.	Robert J. Swint 1301 Gemini Houston, TX 77058	Accident reconstructionist retained by D.A.
29.	R.F. Distefano D.O. 1115 W. 17 th St. Tulsa, Ok 74107	Autopsy of Murray McGarvey
30.	Bob Billingsly GRDA 37895 S. 4475 Rd Vinita, OK 74301	Search and discovery of Murray McGarvey's body

31.	Randy Saffell 1115 W 17 th Tulsa, OK 74107	Autopsy of Murray McGarvey
32.	Chris McCutchen 4905 S. Perkins Rd. Stillwater, OK 74074	Punitive damages
33.	Andrea Bighead OSBI 6600 N. Harvey Oklahoma City, OK 73116-7910	Investigation of the accident and witness statements.
34.	Lewis Bauerlein OSBI 6600 N. Harvey Oklahoma City, OK 73116-7910	Investigation of the accident and witness statements.
35.	Luke Noah 1115 W. 17 th Tulsa, OK 74107	Medical examiner
36.	Bobby Eugene Bledsoe 26 Boundary Lane St Simons, Georgia 31522	Damages
37.	Raylene A Grynkewich 118 Tolomato Trace St Simons, GA 31522	Damages
38.	Carmen Zagami 160 Cormac's Way Brunswick, GA 31525	Damages
39.	Brandie Anderson 1607 S. Lewis Tulsa, Oklahoma 74104	John Special's alcohol consumption at Cherokee Yacht Club on night in question; John Special's condition on the night in question and communications with John F. Special following accident.
40.	Michael Mahoney 451686 Congressional Afton, Oklahoma	John Special's alcohol consumption at Cherokee Yacht Club on night in question; John Special's condition on the night in question and communications with John F. Special following accident.

41.	Medical Records Custodian(s)	Testify regarding identity and authenticity of medical records and bills of Jason Bandy
42.	Medical expert(s) to be determined	Medical expert(s) will provide testimony regarding Jason Bandy's physical injuries, medical condition, medical treatment and prognosis
43.	Accident reconstructionist(s) to be determined	Testimony regarding the reconstruction of the accident.
44.	Boat damage and value expert(s) to be determined	Testimony regarding the amount of damage to Justin Doolin's boat and the value of Justin Doolin's boat at the time of the accident
45.	Corporate Representative of Special Exploration Co., Inc.	Testimony regarding issues related to ownership of the boat being operated by John F. Special, authorization to operate said boat, and negligent entrustment of boat to John F. Special
46.	Court Clerks	Identification and authentication of numerous motor vehicle and boating citations received by John F. Special
47.	All employees of Hooker's Bar at Cherokee Yacht Club that worked the night of the boating accident	Communications with John F. Special; amount of alcohol served to John F. Special the night of the accident; and John F. Special's condition when he left Cherokee Yacht Club
48.	Witnesses for the purpose of authenticating documents	Authentication
49.	Expert on proper liquor establishment functioning	Negligence of Cherokee Yacht Club
50.	Expert on level of alcohol and level of intoxication of John F. Special	Testimony that John F. Special was visibly intoxicated at all relevant times
51.	All witnesses listed by all parties to this litigation, not specifically objected to by these Plaintiffs.	

Because discovery is ongoing, Plaintiffs reserve the right to amend or modify this Witness List.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & CARWILE**
A PROFESSIONAL CORPORATION

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2007, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Mr. Dan S. Folluo
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Attorney for Defendant Cherokee Yacht Club,
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and
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701 Market Street, Suite 260
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Walter D. Haskins, OBA #3964
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